

**Notice of Allowability**

Application No.

10/700,410

Examiner

Greta L. Robinson

Applicant(s)

HIGHLEYMAN ET AL.

Art Unit

2168

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed September 12, 2006.
2. ☒ The allowed claim(s) is/are 2-12, 17-21 and 25-32 (now renumbered as claims 1-24).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

**DETAILED ACTION**

1. Claims 2-12, 17-21 and 25-32 are pending in the present application.
2. Claims 1, 13-16 and 22-24 have been cancelled. Claims 2, 8, 17, 25-29 and 31 have been amended.

***Allowable Subject Matter***

3. Claims 2-12, 17-21 and 25-32 are allowed.
4. The following is an examiner's statement of reasons for allowance:

In the advisory action mailed August 14, 2006 claims 2-12, 17-21 and 25-32 were noted as allowable if amended into independent form. Applicant has amended the claims to include the noted allowable subject matter. Applicant's amendment canceling claims 1, 13-16 and 22-24 renders the rejection citing Leyman et al. under 35 USC 103(a) moot. The prior art of record fails to teach means to allow one or more nodes to take over processing capacity of a node that becomes lost, the availability of the split processing system being greater than the availability of an unsplit system wherein all of the processors are located at a single node, and wherein at least some of the nodes are database processing nodes which include an instance of a portion of a database or an instance of all of a database as cited in independent claim 2. Regarding independent claims 8 and 17, the following limitation is not disclosed: means to allow one or more nodes to take over processing capacity of a node that becomes lost, the availability of

Art Unit: 2168

the split processing system being greater than the availability of an unsplit system wherein all of the processors are located at a single node, wherein at least some of the nodes include an instance of a portion of a database or an instance of all of a database. Regarding independent claims 25 and 26, the following limitation is not disclosed: means to allow one or more nodes to take over processing capacity of a node that becomes lost, the availability of the split processing system being greater than the availability of an unsplit system wherein all of the processors are located at a single node, wherein each node operates independently of each other. Regarding independent claims 27 and 28 the following limitation is not disclosed: means to allow one or more nodes to take over processing capacity of a node that becomes lost, the availability of the split processing system being greater than the availability of an unsplit system wherein all of the processors are located at a single node, wherein each node has less processors than the number of processors in an unsplit system wherein all of the processors are located at a single node. Regarding independent claims 29 and 31 the following limitation is not disclosed as claimed: means to allow one or more nodes to take over processing capacity of a node that becomes lost, the availability of the split processing system being greater than the availability of an unsplit system wherein all of the processors are located at a single node, wherein the split system has a specific number of failure modes which is less than the number of failure modes in an unsplit system wherein all of the processors are located at a single node.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2168


accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**GRETAL ROBINSON**  
**PRIMARY EXAMINER**  
Greta Robinson  
Primary Examiner  
September 14, 2006